



# **TOWN OF TEWKSBURY ZONING BOARD OF APPEALS**

999 Whipple Road  
Tewksbury, MA 01876

Robert Dugan, Chairman  
Leonard Dunn, Vice Chair  
Gerald Kutcher  
**Associate Member:**  
Jaime Doherty

## **DEPARTMENT OF COMMUNITY DEVELOPMENT**

### **MEETING MINUTES July 31, 2014**

The meeting was called to order at 6:30 p.m. by Len Dunn, Vice Chairman, at the Pike House (temporary town hall). Present at the meeting were Gerald Kutcher and Jamie Doherty. Also in attendance was Melissa Johnson, Recording Secretary. Robert Dugan was not present.

#### **Approval of Minutes - June 26, 2014**

**MOTION:** Mr. Kutcher made the motion to approve the June 26, 2014 meeting minutes as presented; seconded by Ms. Doherty and the motion carried 3-0.

#### **NEW HEARINGS**

**Oscar Torres, Trustee, OAT Realty Trust** as a party aggrieved for review of a decision made by the Building Inspector in a letter dated May 13, 2014 as filed with this Board. Said property is located at **352 Main Street**, Assessor's Map 22, Lot 24, zoned Commercial.

Present was Attorney Charles Zaroulis and Attorney Ryan Sullivan. Mr. Dunn noted that the Board is in receipt of correspondence from the applicant's Attorney requesting to continue this matter to August 28, 2014.

**MOTION:** Mr. Kutcher made the motion to continue Oscar Torres, Trustee, OAT Realty Trust as a party aggrieved for review of a decision made by the Building Inspector in a letter dated May 13, 2014 as filed with this Board. Said property is located at **352 Main Street**, Assessor's Map 22, Lot 24, zoned Commercial to August 28, 2014 at 6:30 p.m.; seconded by Ms. Doherty and the motion carried 3-0.

**Brian and Lisa Anderson** for variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaws to construct a front farmer's porch to the existing dwelling as shown on plans filed with this Board. Said property is located at **235 Astle Street**, Assessor's Map 10, Lot 18, zoned Residential.

Present was Brian and Lisa Anderson of 235 Astle Street. Mrs. Anderson explained that they are proposing to construct a farmer's porch to the front of their home and they do not have enough footage on the side. The furthest point of the house is the chimney; which is 20 feet from the sideline. The proposed porch will be 22.7 feet from the sideline. Mr. Dunn asked if the porch will run the entire length of the front of the house and Mrs. Anderson explained that the porch will come in 1 foot on each side. Ms. Anderson explained that there is insufficient distance on the side due to a road (Jodi Drive) that was constructed after their home was constructed.

Mr. Dunn asked if there are any pictures or plans for what is being proposed. Mr. Anderson provided the members with a copy of a plot plan.

Mr. Kutcher asked if any of the neighbors have expressed any concerns. Mr. Anderson explained that the certified notices were sent to the abutters and they have not heard from anyone.

Mr. Dunn opened the hearing to the public and no one came forward to comment.

**MOTION: Mr. Kutcher made the motion to close both parts of the hearing; seconded by Ms. Doherty and the motion carried 3-0.**

**MOTION: Mr. Kutcher made motion to issue a variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaws to construct a front farmer's porch to the existing dwelling as shown on plans filed with this Board. Said property is located at 235 Astle Street, Assessor's Map 10, Lot 18, zoned Residential; seconded by Ms. Doherty and the motion carried 3-0.  
DUNN, KUTCHER, DOHERTY**

**Joseph and Dawn Grilo** for a variance under Section 4130, Appendix B and for a Special Permit under Section 3620 of the Tewksbury Zoning Bylaw for a proposed addition to come no closer than 11.6 feet and 13.3 for a sideline setback and 11.4 feet rear line setback as shown on plans filed with this Board. Said property is located at **146 Pine Street**, Assessor's Map 44, Lot 163, zoned Residential.

Present was Dawn and Joseph Grilo of 146 Pine Street and their builder. Mrs. Grilo explained that they are proposing to add a family suite to their home in the rear with a kitchen, living room, and bedroom as well as add a master suite that will be located over the existing garage.

Mr. Dunn asked if there are any plans or photographs. Mrs. Grilo approached the Board with a drawing of what is being proposed and noted that the information the Board was previously provided may be incorrect as she originally submitted for 27x27 and this has been reduced to 20.5x24.

The builder approached the Board in an effort to explain the floor plans to the Board. Included on these plans were also items that were no longer being proposed. Mrs. Grilo also approached the Board in an effort to clarify some confusion. The builder left the meeting to return to his office to retrieve plans and did not return until the end of the hearing. Mrs. Grilo explained that they currently have a one story ranch. The addition will be to the rear and will abut the existing garage. The master bedroom will be constructed on top of the existing garage. Mrs. Grilo noted

that the garage area will then be higher than the rest of the house. There will be one large window in the front and two windows on the side. Mr. Grilo noted that the roof will be the same as the existing just higher; the garage will be two stories and the remainder of the house will be one story. Mrs. Grilo explained that their builder informed them that they need a variance for the garage as it is already at 11.6 feet and noted that she was not aware that a variance was needed as it is already nonconforming. Mr. Dunn explained that the variance is still required as it is being altered.

Mr. Dunn asked how what the distance will be from the proposed addition to the fence in the rear. Mrs. Grilo noted that there will be approximately 15 feet from the edge of the house to the fence. The fence runs along the property line.

Mr. Dunn asked what the new height will be for the garage area. Mrs. Grilo noted that she is unsure.

Mr. Dunn asked if the property has already been connected to town sewer. Mrs. Grilo explained that they are being required to hook up by the town; however, they have been unable to find a contractor to do the work.

Mr. Dunn opened the hearing to the public.

Mary Elizabeth Cuddy Borden of 150 Pine Street came forward and noted that she has no issues with the addition, but does have concerns with the utilities as part of their gas line runs through her property. Ms. Borden expressed concerns with connecting to town sewer and how it will affect her property. Mr. Grilo explained that at one time the person who constructed his home also owned Ms. Borden's property as well. Ms. Borden explained that when the lot was divided the Grilo's home was constructed behind hers. Mrs. Borden noted that she does not have a problem with them going through her property to connect to town sewer so long as her property is restored to the way it was. Mr. Grilo noted that they will be running the sewer along the side of the driveway. Ms. Borden noted that she has no objections with the addition.

Mr. Grilo noted that Ms. Borden is the only neighbor who can see their home as it is set back.

Mr. Dunn explained to the applicants that the family suite shall be no larger than 25x28.5. The master suite addition above the garage shall be no larger than be 24x22 and the height shall not exceed 35 feet.

**MOTION: Mr. Kutcher made the motion to close both parts of the hearing; seconded by Ms. Doherty and the motion carried 3-0.**

**MOTION:** Mr. Kutcher made the motion to approve Joseph and Dawn Grilo for a variance under Section 4130, Appendix B and for a Special Permit under Section 3620 of the Tewksbury Zoning Bylaw for a proposed addition to come no closer than 11.6 feet and 13.3 for sideline setback and 11.4 feet for rear line setback, as shown on plans filed with this Board. Said property is located at 146 Pine Street, Assessor's Map 44, Lot 163, zoned Residential; the property shall be connected to town sewer, the height shall not exceed 35 feet; seconded by Ms. Doherty and the motion carried 3-0.  
**DUNN, KUTCHER, DOHERTY**

## **CONTINUED HEARINGS**

**Dinis M. Oliveria** as a party aggrieved for a review of a decision made by the Building Inspector in a letter dated April 16, 2014 as filed with this Board. Said property is located at **199 Marston Street**, Assessor's Map 19, Lot 31, zoned Residential.

Mr. Dunn noted that the Board is in receipt of correspondence requesting this matter be continued to August 28, 2014.

**MOTION:** Ms. Doherty made the motion to continue Dinis M. Oliveria as a party aggrieved for a review of a decision made by the Building Inspector in a letter dated April 16, 2014 as filed with this Board. Said property is located at 199 Marston Street, Assessor's Map 19, Lot 31, zoned Residential to August 28, 2014 at 6:30 p.m.; seconded by Mr. Kutcher and the motion carried 3-0.  
**DUGAN, DUNN, KUTCHER**

## **Old Business**

There was no old business.

## **New Business**

There was no new business.

## **Adjournment**

**MOTION:** Mr. Kutcher made the motion to adjourn; seconded by Ms. Doherty and the motion carried 3-0.

*Approved: 8/28/14*

*List of documents for 7/31/14 Agenda*  
*Documents can be located at the Community Development Office*

Approval of Minutes – June 26, 2014

**NEW HEARINGS**

- 6:30 P.M.**      **Brian and Lisa Anderson** for a variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaws to construct a front farmer's porch to the existing dwelling as shown on plans filed with this Board. Said property is located at **235 Astle Street**, Assessor's Map 10, Lot 18, zoned Residential.
- *Application packet dated 6/23/14.*
  - *Copy of rendering dated 5/27/14 for farmer's porch, 235 Astle Street.*
- 6:30 P.M.**      **Oscar Torres, Trustee, OAT Realty Trust** as a party aggrieved for review of a decision made by the Building Inspector in a letter dated May 13, 2014 as filed with this Board. Said property is located at **352 Main Street**, Assessor's Map 22, Lot 24, zoned Commercial.
- *Application packet dated 6/11/14.*
- 6:30 P.M.**      **Joseph and Dawn Grilo** for variances under Section 4130, Appendix B and for a Special Permit under Section 3620 of the Tewksbury Zoning Bylaw for a proposed addition to come no closer than 11.6 feet and 13.3 for sideline setback and 11.4 feet rearline setback as shown on plans filed with this Board. Said property is located at **146 Pine Street**, Assessor's Map 44, Lot 163, zoned Residential.
- *Application packet dated 7/9/14.*
  - *Letter 7/16/14 fr Board of Health.*

**CONTINUED HEARING**

- 6:30 P.M.**      **Dinis M. Oliveira** as a party aggrieved for review of a decision made by the Building Inspector in a letter dated April 16, 2014 as filed with this Board. Said property is located at **199 Marston Street**, Assessor's Map 19, Lot 31, zoned Residential.
- *Letter 7/23/14 fr Johnson & Borenstein, LLC requesting to be continued to August 28, 2014.*